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SEP 30 2004

DIRECTOR OFFICE
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In re Application of :
Mary R. Rice :
Application No. 10/748,953 :
Filed: December 30, 2003 :
For: **METHOD AND SYSTEM FOR** :
ARRANGING A PAINT COLOR DISPLAY :

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition filed July 15, 2004 under 37 CFR §1.102(d) to make the application special.

A grantable petition under 37 CFR §1.102(d) and MPEP §708.02, section II (Infringement), must be accompanied by the required fee and a statement alleging:

- (1) that there is an infringing device or product actually on the market or method in use;
- (2) that a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
- (3) that he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art. Further, Applicant must provide a copy of each of the references deemed most closely related to the subject matter encompassed by the claims if the references are not already of record.

Applicant's submission is deficient in regard to item (2) above in that it fails to include a clear statement that a **"rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed"** as required.

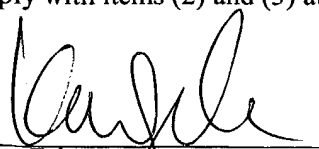
Applicant's statement that "applicant and her attorneys have conducted a comparison and obtained samples of the infringing products" is insufficient to satisfy this requirement; inasmuch it is unclear if a rigid comparison with respect to the claims was made; or rather if it was some type of product to product comparison.

Applicant's submission is also deficient in regard to item (3) in that copies of the US patent references and publications have not been submitted.

Accordingly, the Petition is **DENIED**.

The application file will await examination in its proper turn based on its effective filing date.

Any request for reconsideration must be filed within two months of the mailing date of this decision and comply with items (2) and (3) above. No extensions of time will be permitted.


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